

CLARA J. SHIN (No. 214809)  
 cshin@howardrice.com  
 SHAUDY DANAYE-ELMI (No. 242083)  
 sdanaye-elmi@howardrice.com  
 HOWARD RICE NEMEROVSKI CANADY  
 FALK & RABKIN  
 A Professional Corporation  
 Three Embarcadero Center, 7th Floor  
 San Francisco, California 94111-4024  
 Telephone: 415/434-1600  
 Facsimile: 415/677-6262  
 Attorneys for Defendant  
 META INTERFACES, LLC

TIMOTHY P. DILLON (No. 190839)  
 tdillon@dillongerardi.com  
 DILLON & GERARDI APC  
 4660 La Jolla Village Drive #1040  
 San Diego, CA 92122  
 Telephone: (858) 587-1800  
 Facsimile: (858) 587-2587

SPENCER D. FREEMAN  
 sfreeman@freemanlawfirm.org  
 (admitted pro hac vice)  
 FREEMAN LAW FIRM, INC.  
 2104 N. 30th Street  
 Tacoma, WA 98403  
 Telephone: (253) 336-6256

Attorneys for Plaintiff  
 FRASERSIDE HOLDINGS, LTD.

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

HOWARD  
 RICE  
 NEMEROVSKI  
 CANADY  
 FALK  
 & RABKIN  
 A Professional Corporation

FRASERSIDE HOLDINGS, LTD, a foreign  
 limited liability company,

Plaintiff,

v.

META INTERFACES, LLC, a limited liability  
 company,

Defendant.

No. CV 10-3585 BZ

Action Filed: August 13, 2010

STIPULATED REQUEST FOR ORDER  
 VACATING HEARING ON META  
 INTERFACES, LLC'S MOTION TO  
 DISMISS AND DEADLINE FOR FILING  
 REPLY BRIEF PENDING DEFENDANT'S  
AMENDMENT OF COMPLAINT  
 (Civil L.R. 6-2)

Date: November 17, 2010  
 Time: 10:00 a.m.  
 Place: Courtroom G  
 Judge: Hon. Bernard Zimmerman

Trial Date: None set

**STIPULATED REQUEST FOR ORDER VACATING HEARING ON  
META INTERFACES, LLC'S MOTION TO DISMISS AND  
DEADLINE FOR FILING REPLY BRIEF PENDING DEFENDANT'S  
AMENDMENT OF COMPLAINT**

Pursuant to Civil Local Rule 6-2, IT IS HEREBY STIPULATED, by and between the parties hereto through their respective attorneys of record, that, if the Court approves, the current deadlines and hearing date set regarding the Motion to Dismiss filed by Defendant Meta Interfaces, LLC ("Meta") in the above-captioned case be vacated and reset if necessary following Plaintiff's amendment of its complaint. The stipulation is based on the following:

1. WHEREAS, Plaintiff Fraserside Holdings, LTD ("Fraserside") filed its Complaint in the above-captioned matter on August 13, 2010 ("Complaint");

2. WHEREAS, Meta, pursuant to a stipulated extension of time to respond to the Complaint, timely filed its Motion to Dismiss the Complaint on September 17, 2010 ("Motion to Dismiss");

3. WHEREAS, Fraserside, pursuant to a stipulated extension of time to file its Opposition and the Court's Order issued on October 7, 2010, filed its opposition to the Motion to Dismiss on October 13, 2010 ("Opposition");

4. WHEREAS, in its Opposition, Fraserside stated that it would "be seeking to amend the Complaint shortly after this Opposition" (Opposition at 2 n.1 (Dkt. #23)) in a manner that could materially affect the pending Motion to Dismiss (the "Proposed Amendment");

5. WHEREAS, Meta initiated a meet and confer with Fraserside regarding the Proposed Amendment;

6. WHEREAS, the parties agree that neither the Court's resources nor Meta's should be expended in connection with a motion that may become mooted or otherwise affected by the Proposed Amendment;

7. The parties therefore STIPULATE AND AGREE to request that the Court vacate the hearing date and briefing deadlines on Defendant's Motion to Dismiss as follows:

(a) The hearing date on Meta's Motion to Dismiss, currently set on November 17, 2010, shall be vacated pending Fraserside's amendment of the Complaint;

REQUEST FOR ORDER VACATING HEARING PENDING AMENDMENT OF COMPLAINT CV 10-3585 BZ

(b) Meta's deadline to file a reply in support of the Motion to Dismiss, currently set on November 3, 2010, is vacated pending Fraserside's amendment of the Complaint;

(c) The parties will file a proposed schedule for responding to an amended Complaint following amendment of the Complaint; and

(d) The parties agree that, after Fraserside has amended its Complaint, depending upon the substance of that amendment, Meta may wish to, and will have the right to, reset the hearing on the Motion to Dismiss and file its reply brief in support thereof. This Stipulation is not intended as a withdrawal of the Motion to Dismiss. Rather, the parties recognize that Meta must evaluate Fraserside's amendment to the Complaint before deciding whether and the extent to which any amendment to the Complaint will affect the Motion to Dismiss.

The parties respectfully request that the Court grant their stipulated request.

In accordance with N.D. Cal. General Order No. 45, Section X, the filer of this document hereby attests that the concurrence to the filing of this document has been obtained from the other signatory hereto.

DATED: October 25, 2010.

Respectfully,

CLARA J. SHIN  
SHAUDY DANAYE-ELMI  
HOWARD RICE NEMEROVSKI CANADY  
FALK & RABKIN  
A Professional Corporation

By: /s/ Shaudy Danaye-Elmi  
SHAUDY DANAYE-ELMI

Attorneys for Defendant  
META INTERFACES, LLC

HOWARD  
RICE  
NEMEROVSKI  
CANADY  
FALK  
& RABKIN  
A Professional Corporation

1 DATED: October 25, 2010.

2 Respectfully,

3 TIMOTHY P. DILLON  
DILLON & GERARDI APC

4 SPENCER D. FREEMAN  
5 FREEMAN LAW FIRM, INC.

6 By: /s/ Spencer Freeman  
7 SPENCER D. FREEMAN

8 Attorneys for Plaintiff  
9 FRASERSIDE HOLDINGS, LTD.

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13 HOWARD  
RICE  
NEMEROVSKI  
CANADY  
FALK  
& RABKIN  
14  
15 A Professional Corporation

**ORDER**

PURSUANT TO STIPULATION, THE FOREGOING IS APPROVED AND IT IS SO ORDERED.

DATED: October 26 2010.



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HON. BERNARD ZIMMERMAN  
UNITED STATES DISTRICT COURT

HOWARD  
RICE  
NEMEROVSKI  
CANADY  
FALK  
& RABKIN

A Professional Corporation

1 **PROOF OF SERVICE**

2 I, Gigi Francisco-Ferrer, declare:

3 I am a resident of the State of California and over the age of eighteen years and not a  
 4 party to the within-entitled action; my business address is Three Embarcadero Center,  
 5 Seventh Floor, San Francisco, California 94111-4024. On October 25, 2010, I served the  
 6 following document(s) described as **STIPULATED REQUEST FOR ORDER VACATING  
 HEARING ON META INTERFACES, LLC'S MOTION TO DISMISS AND DEADLINE  
 FOR FILING REPLY BRIEF PENDING DEFENDANT'S AMENDMENT OF  
 COMPLAINT:**

- 7 ☐ by transmitting via facsimile the document(s) listed above to the fax  
 8 number(s) set forth below on this date before 5:00 p.m.
- 9 ☒ by placing the document(s) listed above in a sealed envelope with postage  
 10 thereon fully prepaid, in the United States mail at San Francisco, California  
 11 addressed as set forth below.
- 12 ☐ by transmitting via email the document(s) listed above to the email address(es)  
 13 set forth below on this date before 5:00 p.m.
- 14 ☐ by placing the document(s) listed above in a sealed Federal Express envelope  
 15 and affixing a pre-paid air bill, and causing the envelope to be delivered to a  
 16 Federal Express agent for delivery.
- 17 ☐ by personally delivering the document(s) listed above to the person(s) at the  
 18 address(es) set forth below.

19 Spencer D. Freeman, Esq.  
 20 Freeman Law Firm, Inc.  
 21 2104 N. 30th Street  
 22 Tacoma, WA 98403

23 I am readily familiar with the firm's practice of collection and processing  
 24 correspondence for mailing. Under that practice it would be deposited with the U.S. Postal  
 25 Service on that same day with postage thereon fully prepaid in the ordinary course of  
 26 business. I am aware that on motion of the party served, service is presumed invalid if  
 27 postal cancellation date or postage meter date is more than one day after date of deposit for  
 28 mailing in affidavit.

29 I declare under penalty of perjury under the laws of the United States that the foregoing  
 30 is true and correct. Executed at San Francisco, California on October 25, 2010.

31 /s/ Gigi Francisco-Ferrer  
 32 GIGI FRANCISCO-FERRER